

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

LATOYA SH-NAE ROYAL,

Plaintiff,

vs.

No. \_\_\_\_\_

STRIPES, LLC,

Defendant.

**NOTICE OF REMOVAL TO THE UNITED STATES  
DISTRICT COURT FOR THE DISTRICT OF NEW MEXICO**

COMES NOW the Defendant Stripes, LLC (hereafter “the Defendant”), by and through its counsel of record, Butt Thornton & Baehr PC (Agnes Fuentevilla Padilla and Charles B. Kraft), and hereby removes this lawsuit to the United States District Court for the District of New Mexico. As grounds therefore, the Defendant states as follows:

1. Plaintiff filed this civil action against the Defendant in the Fifth Judicial District Court, County of Lea, State of New Mexico, Case No. D-506-CV-2016-01359. Plaintiff's Amended Complaint for Personal Injury, Negligence, Negligence Per Se, Premises Liability, Intentional and Willful Conduct, Wrongful Termination, Other Damages, and Punitive Damages (“Amended Complaint”), which was filed December 16, 2016, named as Defendant Stripes, LLC.
2. Pursuant to D.N.M. LR-Civ. 81.1(a), a copy of the Original Complaint and Amended Complaint, along with copies of all records and proceedings are attached hereto as Exhibit A.
3. Plaintiff is a resident of the State of New Mexico. *See Amended Complaint, ¶1.*

4. Defendant Stripes LLC, has its principal place of business in the State of Texas, and therefore, is a citizen of Texas.

5. Defendant Stripes LLC is a wholly owned subsidiary of Susser Holdings, LLC (a Delaware LLC), which is its sole member. Susser Holdings, LLC, is a direct subsidiary of Stripes Holdings LLC, (a Delaware LLC) and is its sole member. Stripes Holdings LLC is a direct subsidiary of Susser Holdings Corporation, a Delaware Corporation and is its sole member.

6. There is complete diversity between the Plaintiff and the Defendant.

7. The Amended Complaint, pursuant to the New Mexico Rules of Civil Procedure, contains no allegation for damages in a specific monetary amount. The Amended Complaint, however, alleges that the Defendant is responsible for personal injuries suffered by Plaintiff and requests:

- a. Compensatory, special and other damages, including compensation for loss of her job;
- b. Punitive damages;
- c. Costs and fees associated with this lawsuit;
- d. Interest as provided by law;
- e. Severe physical injuries, including several torn ligaments in each knee that require surgery;
- f. Severe mental and emotional injuries;
- g. Severe emotional distress;
- h. Severe pain and suffering;
- i. Inability to perform or engage in the normal activities of daily living, including providing household services;
- j. Inability to perform the work of her choosing;
- k. Loss of earning capacity;
- l. Loss of enjoyment of life;
- m. Expenses for medical care and treatment, medicines, nursing services, and other types of medically related attention.

8. Counsel for the Defendant spoke with counsel for Plaintiff and confirmed that he deems the value of the case to exceed \$75,000.00. Based on Plaintiff's Amended Complaint and

Plaintiff's counsel's assertions, the amount in controversy in this matter exceeds \$75,000 in value exclusive of interest and costs.

9. The United States District Court, therefore, has original jurisdiction over the Summons and Amended Complaint under 28 U.S.C. §1332(a) as the matter in controversy exceeds \$75,000.00 in value, exclusive of interest and costs, and this action is between citizens of different states. Diversity jurisdiction has existed from the time the Plaintiff filed her Amended Complaint of this action in state court through the time of the filing of this Petition. 28 U.S.C. §1446(b)(3).

10. Because this Court has original jurisdiction over this action under 28 U.S.C. §1332(a), this action is removable pursuant to 28 U.S.C. §§1441(a).

11. The state court in which this action was commenced is within this Court's district. Venue is therefore proper under 28 U.S.C. §§111 and 1441(a).

12. The Notice of Removal was filed with this Court within thirty (30) days after the Defendant was served with Plaintiff's Amended Complaint on December 19, 2016 via certified mail postmarked December 16, 2016.

13. Defendant, immediately upon the filing of this Notice of Removal, gave written notice of the filing to Plaintiff as required by 28 U.S.C. §1446(d) and filed a copy of this Notice of Removal with the Clerk of the Fifth Judicial District Court, County of Lea, State of New Mexico, the Court from which this action is removed.

14. This Notice of Removal is signed pursuant to Fed.R.Civ.P. 11.

WHEREFORE, Defendant respectfully requests that the above-entitled action remain in this United States District Court for the District of New Mexico.

Respectfully Submitted,

BUTT THORNTON & BAEHR PC

**Electronically Filed**

/s/ Agnes Fuentevilla Padilla

Agnes Fuentevilla Padilla

Charles B. Kraft

*Attorneys for Defendant*

PO Box 3170

Albuquerque, NM 87190

Telephone: (505) 884-0777

afpadilla@btblaw.com

cbkraft@btblaw.com

I hereby certify that on the 18<sup>th</sup> day of January, 2017,  
I filed the foregoing electronically through the CM/ECF  
system, which caused the following counsel to be served  
by electronic means, as more fully reflected on the  
Notice of Electronic filing:

Lee Stringham  
The Stringham Law Firm, PLLC  
6 Desta Drive, Suite 2590  
Midland, TX 79705  
LStringham@stringhamlawfirm.com

/s/Agnes Fuentevilla Padilla

Agnes Fuentevilla Padilla

## CIVIL COVER SHEET

The JS-44 civil cover sheet and information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

<b>I. (a) PLAINTIFFS</b> LATOYA SH-NAE ROYAL (b) County of Residence of First Listed Plaintiff: LEA COUNTY (EXCEPT IN U.S. PLAINTIFF CASES)		<b>DEFENDANTS</b> STRIPES, LLC County of Residence of First Listed Defendant _____ (IN U.S. PLAINTIFF CASES ONLY) NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.				
(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER) Lee Stringham The Stringham Law firm, PLLC 6 Desta Drive, Suite 2590 Midland, TX 79705 Telephone: 432-203-9400		Butt Thornton & Baehr, P.C. Agnes Fuentevilla Padilla, Esq. Charles Kraft, Esq. 4101 Indian School Rd. N.E. #300 Albuquerque, NM 87110 Telephone: 505- 884-0777				
<b>II. BASIS OF JURISDICTION</b> (PLACE AN "X" IN ONE BOX ONLY)		<b>III. CITIZENSHIP OF PRINCIPAL PARTIES</b> (PLACE AN "X" IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)				
<input type="checkbox"/> 1 U.S. Government Plaintiff <input type="checkbox"/> 2 U.S. Government Defendant		(For Diversity Cases Only) PTF DEF Citizen of This State <input checked="" type="checkbox"/> 1 <input type="checkbox"/> 1 Citizen of Another State <input type="checkbox"/> 2 <input checked="" type="checkbox"/> 2 Citizen or Subject of a Foreign Country <input type="checkbox"/> 3 <input checked="" type="checkbox"/> 3				
		PTF DEF Incorporated or principal Place of Business in This State Incorporated and principal Place of Business in Another State Foreign Nation				
		<input type="checkbox"/> 4 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input checked="" type="checkbox"/> 5 <input type="checkbox"/> 6 <input type="checkbox"/> 6				
<b>IV. NATURE OF SUITE</b> (PLACE AN "X" IN ONE BOX ONLY)						
<b>CONTRACT</b>		<b>TORTS</b>	<b>FORFEITURE/PENALTY</b>	<b>BANKRUPTCY</b>		
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise		<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault Libel & Slander <input type="checkbox"/> 330 Federal Employers Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input checked="" type="checkbox"/> 360 Other Personal Injury	<b>PERSONAL INJURY</b> <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Heath <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 480 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/ Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b>		<b>CIVIL RIGHTS</b>	<b>PRISONER PETITIONS</b>	<b>LABOR</b>	<b>SOCIAL SECURITY</b>	
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All other Real Property		<input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 510 Motions to Vacate Sentence <b>HABEAS CORPUS:</b> <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt Relations <input type="checkbox"/> 730 Labor/Mgmt Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl Ret Inc. Security Act	<input type="checkbox"/> 861 HIA (1395 ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIW C/DIW W (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))	
					<b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS - Third Party 26 USC 7609	
<b>V. ORIGIN</b> (PLACE AN "X" IN ONE BOX ONLY)						Appeal to District Judge from <input type="checkbox"/> 7 Magistrate Judgment
<input type="checkbox"/> 1 Original Proceeding		<input checked="" type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 Transferred from another district (specify) _____	<input type="checkbox"/> 6 Multidistrict Litigation
<b>VI. CAUSE OF ACTION</b> (Cite the U.S. Civil Statute under which you are filing. (Do not cite jurisdictional statutes unless diversity.): 28 USC §1332						
Brief description of cause: Claim for personal injury, Negligence, Premises Liability, Wrongful Termination of Plaintiff/Employee.						
<b>VII. REQUESTED IN COMPLAINT:</b>		CHECK IF THIS IS A CLASS ACTION <input type="checkbox"/> UNDER F.R.C.P. 23		<b>DEMAND \$</b>	CHECK YES only if demanded in Complaint <input type="checkbox"/> JURY DEMAND: YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	
<b>VIII. RELATED CASES(S)</b> (See instructions if any)		JUDGE _____		DOCKET NUMBER _____		
DATE January 18, 2017		SIGNATURE OF ATTORNEY OF RECORD <i>As/ Agnes Fuentevilla Padilla</i>				
<b>EXHIBIT A</b>						
<b>FOR OFFICE USE ONLY</b>						
RECEIPT # _____		AMOUNT _____		APPLYING IPP _____	JUDGE _____	MAG. JUDGE _____

STATE OF NEW MEXICO  
LEA COUNTY  
FIFTH JUDICIAL DISTRICT COURT

LATOYA SH-NAE ROYAL,  
Individually,

FILED IN MY OFFICE  
DISTRICT COURT CLERK  
11/17/2016 4:07:53 PM  
NELDA CUELLAR  
Cory Hagedoorn

Plaintiff,

Cause No.: D-506-CV-2016-01359

vs.

Case assigned to Sanchez, Mark

STRIPES, LLC,

Defendant.

---

**COMPLAINT FOR PERSONAL INJURY, NEGLIGENCE, NEGLIGENCE PER SE,  
PREMISES LIABILITY, INTENTIONAL AND WILLFUL CONDUCT, OTHER  
DAMAGES, AND PUNITIVE DAMAGES**

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Plaintiff, LATOYA SH-NAE ROYAL, individually, by and through their counsel, the Stringham Law Firm, and for their Complaint for Personal Injury, Negligence, Negligence Per Se, Premises Liability, Intentional and Willful Conduct, Other Damages, and Punitive Damages against Defendants STRIPES LLC, states as follows.

**JURISDICTION AND VENUE AND PARTIES**

1. Plaintiff LaToya Sh-Nae Royal is a resident of Hobbs, New Mexico. She lives at the address of 1401 East Navajo Apartment 402, Hobbs, NM, 88240.

2. Defendant STRIPES LLC, (hereinafter "Stripes"), is a New Mexico for profit corporation, organized under the laws of New Mexico. Stripes can be served with process by serving its registered agent the Corporation Service Company at 123 East Marcy Street, Suite 101, Santa Fe, NM 87501.

3. Defendant Stripes Store #250, (hereinafter "the Store") is owned and operated by Defendant Stripes, LLC. The Store is located at 3305 W. Marland, Hobbs, NM 88240. Upon

information and belief, Store #250 is owned and operated by Stripes.

4. The causes of action asserted herein arise out of Defendant's transaction of business and commission of tortious acts within the State of New Mexico. The Incident which is the subject hereof occurred in Lea County, New Mexico. Additionally, at all relevant times, the Defendants have been authorized and licensed by the New Mexico Secretary of State (formerly the New Mexico Public Regulations Commission) to conduct business in New Mexico as either a foreign or domestic entity. This Court has personal jurisdiction over the Defendants pursuant to NMSA 1978, § 38-1-16 and has jurisdiction over the subject matter. Venue is appropriate and proper in this Court, pursuant to NMSA 1978, § 38-3-1(F).

5. There is not complete diversity of citizenship between Plaintiff and Defendants.

#### **FACTS APPLICABLE TO ALL COUNTS**

##### **A. STATUS OF PARTIES**

6. The Store is owned and operated by Stripes, LLC.

7. Beginning on or about January 1, 2016 and continuing through the incident, Plaintiff LaToya Royal has been the employee of Defendant Stripes.

8. Since 1975, NM OSHA has adopted all OSHA standards, incorporated by reference, that relate to state and local government and private sector employer operations. This includes mandates on the working condition of emergency protocols.

9. To our knowledge, there was no substantial change in management personnel or operation of the Store, and the security protocols should have been kept in working condition and absent them working, notice should have been given to all employees of the Store, and further, an alternative safety protocol should have been put into effect.

10. Defendant Stripes is responsible for failing to maintain the safety and emergency protocols as demanded by Section 1910, subsection 165 (d) of the New Mexico Occupational Safety and Health Administration rules, and further, neglected to ensure that all emergency protocols were in working condition, specifically the panic button located by the register.

11. Defendant's acts and omissions, including each and all of those alleged herein, caused or contributed to the dangerous conditions identified more fully in this Complaint, causing or contributing to the Incident. The Defendant's acts and omissions alleged herein directly, proximately, and reasonably foreseeably caused or contributed to the Plaintiff's injuries and damages alleged herein. Plaintiff alleges that each and all the acts and omissions of Defendant Stripes were engaged in willfully and intentionally and without just cause or excuse, all of which were reasonably expected to result in the injuries and damages alleged herein, or were engaged in with utter disregard for the consequences to and safety of Plaintiff. Plaintiff alleges that each and all of the acts and omissions of the Defendant Stripes complained of herein were at least negligent, and that, as will be shown further at trial, they engaged in some or all of the acts and omissions complained of herein willfully, intentionally with knowledge that harm may result; recklessly, intentionally with utter indifference to the consequences; and wantonly, with utter indifference as to or conscious disregard for Plaintiff's rights, life, and safety, and that the Defendant failed to exercise reasonable precautions necessary to avoid the harm. At all times relevant to this Complaint, Defendant Stripes was required to maintain the premises of the Store in a safe condition and keep all emergency protocols in working condition.

12. A partial chronology and description of events directly leading up to and occurring during the assault on the Plaintiff is as follows. Plaintiff alleges that:

- a. On or about July 27, 2016, LaToya Royal was working at Stripes Store #250 located in Hobbs, NM. At approximately 7:00 p.m. a patron, later

identified at Eric Jaquez, entered the Store and proceeded to the refrigerated section of the store. Minutes later, Mr. Jaquez approached Ms. Royal at the register and attempted to purchase a 30-pack of Michelob Ultra. Ms. Royal recognized that the patron was intoxicated and refused to complete the sale. Mr. Jaquez stated he wanted to purchase cigarettes along with the beer and Ms. Royal refused both sales.

- b. Mr. Jaquez became angry and threw the beer across the counter at Ms. Royal, resulting in her sustaining injuries. Following Stripes Emergency Protocol, Ms. Royal called her supervisor. Her supervisor advised her to push the panic button and wait for the police to arrive. Ms. Royal followed instructions and pushed the panic button.
- c. At the same time, Mr. Jaquez came over the counter and proceeded to assault Ms. Royal. Ms. Royal repeatedly pushed the panic button but to no avail. Eventually, an acquaintance of Mr. Jaquez removed him from the store. Ms. Royal proceeded outside to catch the license plate of the vehicle. This action enraged Mr. Jaquez and Mr. Jaquez once again ran at and assaulted Ms. Royal; this time throwing her to the ground, putting her in a headlock, straining her neck, and striking her.
- d. In an attempt to defend herself, Ms. Royal struck Mr. Jaquez. Mr. Jaquez then proceeded to drag Ms. Royal by her hair and rip out large pieces of hair. Ms. Royal attempted to hold him down but Mr. Jaquez and his acquaintances eventually escaped and left the premises. Ms. Royal called the police from her personal cell phone since they did not respond to the distress call from pushing the panic button.
- e. Once the police arrived, they took Ms. Royal's statement, gave her a victim's card and left the scene.
- f. Mr. Jaquez was no longer on the premises when the police arrived. Charges have been filed against Mr. Jaquez.

13. These conditions and the failure to maintain the premises in a safe condition, specifically maintaining the working condition of the panic button in the store, impaired Plaintiff Latoya Royal's ability to get help when she was attacked by a customer, further causing or contributing to his injuries.

14. As the direct, proximate and reasonably foreseeable result of the Defendants' acts and omissions, Plaintiff has suffered, among others, the injuries and damages set out herein, all of a kind and in an amount to be further determined and presented at trial.

15. Plaintiff is entitled to an award of damages and punitive damages against each of the Defendants.

**COUNT I: WILLFUL OR INTENTIONAL INJURY CLAIMS AGAINST DEFENDANT STRIPES AGAINST PLAINTIFF LATOYA ROYAL**

16. Plaintiff hereby re-alleges and incorporates by reference the allegations contained in Paragraphs 1 through 15, as fully set forth herein.

17. At all times pertinent hereto, Plaintiff LaToya Royal's only employer relative to the accident was Defendant Stripes.

18. At all pertinent times hereto, Defendant Stripes was under a duty not to cause willful or intentional injury to Plaintiff LaToya Royal.

19. As the direct, proximate, and reasonably foreseeable result of the above identified acts and omissions, Plaintiff LaToya Royal was injured.

20. Defendant Stripes, contrary to its duty, engaged in willful, intentional conduct, or negligent conduct that proximately caused Plaintiff LaToya Royal to suffer injury.

21. Consequently, Defendant Stripes is not entitled in this action to the protections of the exclusivity provision of the New Mexico Worker's Compensation Act.

22. Defendant Stripes engaged in willful and intentional acts or omissions without cause or excuse, that were reasonably expected to result in the injuries suffered by Plaintiff by committing the acts and or omissions alleged herein thereby violating state OSHA regulations and gives rise to a Negligence Per Se claim.

23. Defendant Stripes committed each of these acts or omissions with the expectation that injury would result, or with utter disregard for the consequences and safety of Plaintiff LaToya Royal.

24. As the direct, proximate, and reasonably foreseeable result of the above identified acts and omissions, Plaintiff LaToya Royal was injured.

25. As the direct, proximate, and reasonably foreseeable cause of Defendant Stripe's willful or intentional acts, Plaintiff LaToya Royal has suffered and continues to suffer injuries and damages, and is entitled to an award of damages against Defendant Stripes as described and set out more fully herein.

26. The acts or omissions of Defendant Stripes were wanton, willful, intentional and/or engaged in in reckless disregard for the safety, life, and well-being of Plaintiff LaToya Royal, and Plaintiff LaToya Royal is entitled to an award of punitive damages against Defendant Stripes.

**COUNT II: NEGLIGENCE CLAIMS AGAINST DEFENDANT STRIPES AND CLAIMS FOR DAMAGES AND PUNITIVE DAMAGES AGAINST DEFENDANT STRIPES**

27. Plaintiff hereby re-alleges and incorporates by reference the allegations contained in paragraphs 1 through 26, as fully set forth herein.

28. At all times pertinent hereto, Defendant Stripes owed Plaintiff Latoya Royal a duty of ordinary care to avoid and/or prevent an unreasonable risk of injury. Defendant Stripes breached that duty of care by committing the acts or omissions alleged herein.

29. As the direct, proximate, and foreseeable result of Defendant Stripes' negligence, Plaintiff Latoya Royal has suffered and continues to suffer, injuries and damages, and is entitled to an award of damages against Defendant Stripes as described and set forth more fully herein.

30. The acts and omissions of Defendant Stripes, were wanton, willful, intentional and/or engaged in in reckless disregard for the safety, life, and well-being of Plaintiff Latoya Royal, and Plaintiff Latoya Royal is entitled to an award of punitive damages against

Defendant Stripes.

31. Because Defendant Stripes had an obligation to keep emergency protocols in working order, or in the alternative, have an alternative plan and inform employees of what that plan is, and because the panic button was not in working order at the time of the incident, Defendant Stripes is in violation of the Occupational Safety and Health Administration Rules of New Mexico which gives rise to a Negligence Per Se cause of action.

### **DAMAGES**

32. Plaintiff Latoya Royal's injuries and damages for which she is entitled to a Judgment against Defendants as pleaded herein, include without limitation the following, all of which are ongoing:

- a. severe physical injuries, including without limitation: pain and limited range of motion in both knees, a thoracic back sprain, a sprain of the lumbar spine and pelvis, and a sprained neck;
- b. several torn ligaments in each knee that will both require surgery for full range of motion;
- c. severe mental and emotional injuries;
- d. severe emotional distress;
- e. severe pain and suffering;
- f. inability to perform or engage in the normal activities of daily living, including providing household services and spending time with her boyfriend and daughter;
- g. inability to sleep or sleep healthily;
- h. inability to perform the work of her choosing;
- i. a loss of earning capacity;

- j. a loss of enjoyment of life;
- k. incurrence of expenses for medical care and treatment, medicines, nursing services, and other types of medically related attention.

The above injuries and damages are ongoing; some or all of the injuries may be permanent. Plaintiff Latoya Royal may provide evidence of other damages at trial.

**PUNITIVE DAMAGES**

33. The Court should award Plaintiff punitive damages, and in doing so should consider not only the harm to and wrongful conduct directed by Defendants to Plaintiff Latoya Royal, but also the risk of harm and harm to others because of Defendants' conduct.

**PRAYER FOR RELIEF**

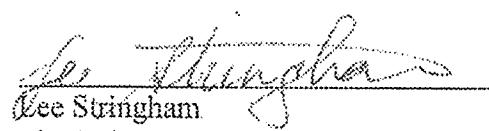
WHEREFORE, Plaintiff requests that a Judgment be entered in her favor against Defendants for damages of a kind and in amounts to be proven at trial, including for, but not limited to:

- a. Compensatory and special and other damages;
- b. Punitive damages;
- c. Costs and fees associated with this lawsuit;
- d. Interest as provided by law.

Plaintiff also requests that the Court enter a Judgment in her favor and for such other and further relief as the Court deems just and proper.

**JURY DEMAND**

Plaintiff by and through her attorney, the Stringham Law Firm, hereby demand a six (6) person jury in the above captioned case.



Lee Stringham

The Stringham Law Firm, PLLC

6 Desta Drive, Suite 2590

Midland, TX 79705

Tel: (432) 203-9400

Fax: (432) 203-9401

[LStringham@StringhamLawFirm.com](mailto:LStringham@StringhamLawFirm.com)

*Attorney for Plaintiff*

STATE OF NEW MEXICO  
LEA COUNTY  
FIFTH JUDICIAL DISTRICT COURT

LATOYA SH-NAE ROYAL,  
Individually,

FILED IN MY OFFICE  
DISTRICT COURT CLERK  
11/17/2016 4:07:53 PM  
NELDA CUELLAR  
Cory Hagedoorn

Plaintiff,

Cause No.: D-506-CV-2016-01359

vs.

STRIPES, LLC,

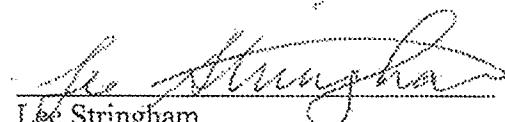
Defendant.

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**JURY DEMAND**

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Plaintiff, LATOYA SH-NAE ROYAL, by and through her attorney, the Stringham Law Firm, hereby demand a six (6) person jury in the above captioned case.



Lee Stringham  
The Stringham Law Firm, PLLC  
6 Desta Drive, Suite 2590  
Midland, TX 79705  
Tel: (432) 203-9400  
Fax: (432) 203-9401  
[LStringham@StringhamLawFirm.com](mailto:LStringham@StringhamLawFirm.com)  
*Attorney for Plaintiff*

#### 4-206. Summons.

[For use with District Court Civil Rule 1-004 NMRA]

**TO THE ABOVE NAMED DEFENDANT(S):** Take notice that

1. A lawsuit has been filed against you. A copy of the lawsuit is attached. The Court issued this Summons.
2. You must respond to this lawsuit in writing. You must file your written response with the Court no later than thirty (30) days from the date you are served with this Summons. (The date you are considered served with the Summons is determined by Rule 1-004 NMRA) The Court's address is listed above.
3. You must file (in person or by mail) your written response with the Court. When you file your response, you must give or mail a copy to the person who signed the lawsuit.
4. If you do not respond in writing, the Court may enter judgment against you as requested in the lawsuit.
5. You are entitled to a jury trial in most types of lawsuits. To ask for a jury trial, you must request one in writing and pay a jury fee.

6. If you need an interpreter, you must ask for one in writing.
7. You may wish to consult a lawyer. You may contact the State Bar of New Mexico

or finding a lawyer at [www.nmbar.org](http://www.nmbar.org); 1-800-876-6227; or 1-505-7

Dated at Albuquerque, New Mexico, this 1<sup>st</sup> day of December,

Dated at Edington, NEW MEXICO, this 1st day of December, 1916.

THE FIFTH CYANIDE OF COPPER

**Nelda Cuellar  
CLERK OF COURT**

By

Deputy



Attorney for Plaintiff or  
Plaintiff pro se

ORIGINAL: To Be Returned to Clerk of District Court for Filing.

Name: Lee Stringham, The Stringham Law Firm  
Address: 6 Desta Drive, Suite 2590, Midland, TX  
Telephone No.: 432-203-9400  
Fax No.: 432-203-9401  
Email Address: [lstringham@stringhamlawfirm.com](mailto:lstringham@stringhamlawfirm.com)

THIS SUMMONS IS ISSUED PURSUANT TO RULE 1-004 NMRA OF THE NEW MEXICO RULES OF CIVIL PROCEDURE FOR DISTRICT COURTS.

## RETURN<sup>1</sup>

STATE OF NEW MEXICO )  
COUNTY OF \_\_\_\_\_ )  
 )ss )

I, being duly sworn, on oath, state that I am over the age of eighteen (18) years and not a party to this lawsuit, and that I served this summons in \_\_\_\_\_ county on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by delivering a copy of this summons, with a copy of complaint attached, in the following manner:

*(check one box and fill in appropriate blanks)*

[ ] to the defendant \_\_\_\_\_ (used when defendant accepts a copy of summons and complaint or refuses to accept the summons and complaint)

[ ] to the defendant by [mail] [courier service] as provided by Rule 1-004 NMRA (*used when service is by mail or commercial courier service*).

After attempting to serve the summons and complaint on the defendant by personal service or by mail or commercial courier service, by delivering a copy of this summons, with a copy of complaint attached, in the following manner:

[ ] to \_\_\_\_\_, a person over fifteen (15) years of age and residing at the usual place of abode of defendant \_\_\_\_\_, (used when the defendant is not presently at place of abode) and by mailing by first class mail to the defendant at \_\_\_\_\_ (insert defendant's last known mailing address) a copy of the summons and complaint.

[ ] to \_\_\_\_\_, the person apparently in charge at the actual place of business or employment of the defendant and by mailing by first class mail to the defendant at \_\_\_\_\_ (*insert defendant's business address*) and by mailing the summons and complaint by first class mail to the defendant at \_\_\_\_\_ (*insert defendant's last known mailing address*).

[ ] to , an agent authorized to receive service of process for

defendant \_\_\_\_\_.

[ ] to \_\_\_\_\_, [parent] [guardian] [custodian] [conservator] [guardian ad litem] of defendant \_\_\_\_\_ (*used when defendant is a minor or an incompetent person*).

[ ] to \_\_\_\_\_ (*name of person*), \_\_\_\_\_, (*title of person authorized to receive service. Use this alternative when the defendant is a corporation or an association subject to a suit under a common name, a land grant board of trustees, the State of New Mexico or any political subdivision*).

Fees: \_\_\_\_\_

\_\_\_\_\_  
Signature of person making service

\_\_\_\_\_  
Title (*if any*)

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.<sup>2</sup>

\_\_\_\_\_  
Judge, notary or other officer  
authorized to administer oaths

\_\_\_\_\_  
Official title

#### USE NOTE

1. Unless otherwise ordered by the court, this return is not to be filed with the court prior to service of the summons and complaint on the defendant.

2. If service is made by the sheriff or a deputy sheriff of a New Mexico county, the signature of the sheriff or deputy sheriff need not be notarized.

[Adopted effective August 1, 1988; as amended by Supreme Court Order 05-8300-01, effective March 1, 2005; by Supreme Court Order 07-8300-16, effective August 1, 2007; by Supreme Court Order No. 12-8300-026, effective for all cases filed or pending on or after January 7, 2013; as amended by Supreme Court Order No. 13-8300-022, effective for all cases pending or filed on or after December 31, 2013; as amended by Supreme Court Order No. 14-8300-017, effective for all cases pending or filed on or after December 31, 2014.]

STATE OF NEW MEXICO  
LEA COUNTY  
FIFTH JUDICIAL DISTRICT COURT

LATOYA SH-NAE ROYAL,  
Individually,

FILED IN MY OFFICE  
DISTRICT COURT CLERK  
12/16/2016 3:13:59 PM  
NELDA CUELLAR  
Cory Hagedoorn

Plaintiff.

Cause No.: D-506-CV-201601359

vs.

STRIPES, LLC,

Defendant.

---

**AMENDED COMPLAINT FOR PERSONAL INJURY, NEGLIGENCE, NEGLIGENCE  
PER SE, PREMISES LIABILITY, INTENTIONAL AND WILLFUL CONDUCT,  
WRONGFUL TERMINATION, OTHER DAMAGES, AND PUNITIVE DAMAGES**

---

Plaintiff, LATOYA SH-NAE ROYAL, individually, by and through their counsel, the Stringham Law Firm, and for their Complaint for Personal Injury, Negligence, Negligence Per Se, Premises Liability, Intentional and Willful Conduct, Wrongful Termination, Other Damages, and Punitive Damages against Defendants STRIPES LLC, states as follows.

**JURISDICTION AND VENUE AND PARTIES**

1. Plaintiff LaToya Sh-Nae Royal is a resident of Hobbs, New Mexico. She lives at the address of 1401 East Navajo Apartment 402, Hobbs, NM, 88240.

2. Defendant STRIPES LLC, (hereinafter "Stripes"), is a New Mexico for profit corporation, organized under the laws of New Mexico. Stripes can be served with process by serving its registered agent the Corporation Service Company at 123 East Marcy Street, Suite 101, Santa Fe, NM 87501.

3. Defendant Stripes Store #250, (hereinafter "the Store") is owned and operated by Defendant Stripes, LLC. The Store is located at 3305 W. Marland, Hobbs, NM 88240. Upon

information and belief, Store #250 is owned and operated by Stripes.

4. The causes of action asserted herein arise out of Defendant's transaction of business and commission of tortious acts within the State of New Mexico. The Incident which is the subject hereof occurred in Lea County, New Mexico. Additionally, at all relevant times, the Defendants have been authorized and licensed by the New Mexico Secretary of State (formerly the New Mexico Public Regulations Commission) to conduct business in New Mexico as either a foreign or domestic entity. This Court has personal jurisdiction over the Defendants pursuant to NMSA 1978, § 38-1-16 and has jurisdiction over the subject matter. Venue is appropriate and proper in this Court, pursuant to NMSA 1978, § 38-3-1(F).

5. There is not complete diversity of citizenship between Plaintiff and Defendants.

#### FACTS APPLICABLE TO ALL COUNTS

##### A. STATUS OF PARTIES

6. The Store is owned and operated by Stripes, LLC.

7. Beginning on or about January 1, 2016 and continuing through the incident, Plaintiff LaToya Royal has been the employee of Defendant Stripes.

8. Since 1975, NM OSHA has adopted all OSHA standards, incorporated by reference, that relate to state and local government and private sector employer operations. This includes mandates on the working condition of emergency protocols.

9. To our knowledge, there was no substantial change in management personnel or operation of the Store, and the security protocols should have been kept in working condition and absent them working, notice should have been given to all employees of the Store, and further, an alternative safety protocol should have been put into effect.

10. Defendant Stripes is responsible for failing to maintain the safety and emergency protocols as demanded by Section 1910, subsection 165 (d) of the New Mexico Occupational Safety and Health Administration rules, and further, neglected to ensure that all emergency protocols were in working condition, specifically the panic button located by the register.

11. Defendant's acts and omissions, including each and all of those alleged herein, caused or contributed to the dangerous conditions identified more fully in this Complaint, causing or contributing to the Incident. The Defendant's acts and omissions alleged herein directly, proximately, and reasonably foreseeably caused or contributed to the Plaintiff's injuries and damages alleged herein. Plaintiff alleges that each and all the acts and omissions of Defendant Stripes were engaged in willfully and intentionally and without just cause or excuse, all of which were reasonably expected to result in the injuries and damages alleged herein, or were engaged in with utter disregard for the consequences to and safety of Plaintiff. Plaintiff alleges that each and all of the acts and omissions of the Defendant Stripes complained of herein were at least negligent, and that, as will be shown further at trial, they engaged in some or all of the acts and omissions complained of herein willfully, intentionally with knowledge that harm may result; recklessly, intentionally with utter indifference to the consequences; and wantonly, with utter indifference as to or conscious disregard for Plaintiff's rights, life, and safety, and that the Defendant failed to exercise reasonable precautions necessary to avoid the harm. At all times relevant to this Complaint, Defendant Stripes was required to maintain the premises of the Store in a safe condition and keep all emergency protocols in working condition.

12. A partial chronology and description of events directly leading up to and occurring during the assault on the Plaintiff is as follows. Plaintiff alleges that:

- a. On or about July 27, 2016, LaToya Royal was working at Stripes Store #250 located in Hobbs, NM. At approximately 7:00 p.m. a patron, later

identified as Eric Jaquez, entered the Store and proceeded to the refrigerated section of the store. Minutes later, Mr. Jaquez approached Ms. Royal at the register and attempted to purchase a 30-pack of Michelob Ultra. Ms. Royal recognized that the patron was intoxicated and refused to complete the sale. Mr. Jaquez stated he wanted to purchase cigarettes along with the beer and Ms. Royal refused both sales.

- b. Mr. Jaquez became angry and threw the beer across the counter at Ms. Royal, resulting in her sustaining injuries. Following Stripes Emergency Protocol, Ms. Royal called her supervisor. Her supervisor advised her to push the panic button and wait for the police to arrive. Ms. Royal followed instructions and pushed the panic button.
- c. At the same time, Mr. Jaquez came over the counter and proceeded to assault Ms. Royal. Ms. Royal repeatedly pushed the panic button but to no avail. Eventually, an acquaintance of Mr. Jaquez removed him from the store. Ms. Royal proceeded outside to catch the license plate of the vehicle. This action enraged Mr. Jaquez and Mr. Jaquez once again ran at and assaulted Ms. Royal; this time throwing her to the ground, putting her in a headlock, straining her neck, and striking her.
- d. In an attempt to defend herself, Ms. Royal struck Mr. Jaquez. Mr. Jaquez then proceeded to drag Ms. Royal by her hair and rip out large pieces of hair. Ms. Royal attempted to hold him down but Mr. Jaquez and his acquaintances eventually escaped and left the premises. Ms. Royal called the police from her personal cell phone since they did not respond to the distress call from pushing the panic button.
- e. Once the police arrived, they took Ms. Royal's statement, gave her a victim's card and left the scene.
- f. Mr. Jaquez was no longer on the premises when the police arrived. Charges have been filed against Mr. Jaquez.

13. These conditions and the failure to maintain the premises in a safe condition, specifically maintaining the working condition of the panic button in the store, impaired Plaintiff Latoya Royal's ability to get help when she was attacked by a customer, further causing or contributing to his injuries.

14. As the direct, proximate and reasonably foreseeable result of the Defendants' acts and omissions, Plaintiff has suffered, among others, the injuries and damages set out herein, all of a kind and in an amount to be further determined and presented at trial.

15. Plaintiff is entitled to an award of damages and punitive damages against each of the Defendants.

**COUNT I: WILLFUL OR INTENTIONAL INJURY CLAIMS AGAINST DEFENDANT STRIPES AGAINST PLAINTIFF LATOYA ROYAL**

16. Plaintiff hereby re-alleges and incorporates by reference the allegations contained in Paragraphs 1 through 15, as fully set forth herein.

17. At all times pertinent hereto, Plaintiff LaToya Royal's only employer relative to the accident was Defendant Stripes.

18. At all pertinent times hereto, Defendant Stripes was under a duty not to cause willful or intentional injury to Plaintiff LaToya Royal.

19. As the direct, proximate, and reasonably foreseeable result of the above identified acts and omissions, Plaintiff LaToya Royal was injured.

20. Defendant Stripes, contrary to its duty, engaged in willful, intentional conduct, or negligent conduct that proximately caused Plaintiff LaToya Royal to suffer injury.

21. Consequently, Defendant Stripes is not entitled in this action to the protections of the exclusivity provision of the New Mexico Worker's Compensation Act.

22. Defendant Stripes engaged in willful and intentional acts or omissions without cause or excuse, that were reasonably expected to result in the injuries suffered by Plaintiff by committing the acts and or omissions alleged herein thereby violating state OSHA regulations and gives rise to a Negligence Per Se claim.

23. Defendant Stripes committed each of these acts or omissions with the expectation that injury would result, or with utter disregard for the consequences and safety of Plaintiff LaToya Royal.

24. As the direct, proximate, and reasonably foreseeable result of the above identified acts and omissions, Plaintiff LaToya Royal was injured.

25. As the direct, proximate, and reasonably foreseeable cause of Defendant Stripe's willful or intentional acts, Plaintiff LaToya Royal has suffered and continues to suffer injuries and damages, and is entitled to an award of damages against Defendant Stripes as described and set out more fully herein.

26. The acts or omissions of Defendant Stripes were wanton, willful, intentional and/or engaged in in reckless disregard for the safety, life, and well-being of Plaintiff LaToya Royal, and Plaintiff LaToya Royal is entitled to an award of punitive damages against Defendant Stripes.

**COUNT II: NEGLIGENCE CLAIMS AGAINST DEFENDANT STRIPES AND CLAIMS FOR DAMAGES AND PUNITIVE DAMAGES AGAINST DEFENDANT STRIPES**

27. Plaintiff hereby re-alleges and incorporates by reference the allegations contained in paragraphs 1 through 26, as fully set forth herein.

28. At all times pertinent hereto, Defendant Stripes owed Plaintiff Latoya Royal a duty of ordinary care to avoid and/or prevent an unreasonable risk of injury. Defendant Stripes breached that duty of care by committing the acts or omissions alleged herein.

29. As the direct, proximate, and foreseeable result of Defendant Stripes' negligence, Plaintiff Latoya Royal has suffered and continues to suffer, injuries and damages, and is entitled to an award of damages against Defendant Stripes as described and set forth more fully herein.

30. The acts and omissions of Defendant Stripes, were wanton, willful, intentional and/or engaged in in reckless disregard for the safety, life, and well-being of Plaintiff Latoya Royal, and Plaintiff Latoya Royal is entitled to an award of punitive damages against

Defendant Stripes.

31. Because Defendant Stripes had an obligation to keep emergency protocols in working order, or in the alternative, have an alternative plan and inform employees of what that plan is, and because the panic button was not in working order at the time of the incident, Defendant Stripes is in violation of the Occupational Safety and Health Administration Rules of New Mexico which gives rise to a Negligence Per Se cause of action.

**COUNT III: WRONGFUL TERMINATION OF LATOYAL ROYAL BY STRIPES,**

**LLC DUE TO RETALIATION**

32. On July 27, 2016, LaToya Royal was attacked by a patron at Stripes Store #250 and suffered severe injuries to her knees, back and neck.

33. Since the incident, LaToya Royal has incurred a number of medical expenses and has at least two surgeries that are required for her to return to her prior mobility.

34. Because of these injuries, LaToya was placed on leave of absence with Stripes. She was only placed on this leave of absence because of her disability.

35. Stripes refused to put her on the schedule to work, even after she was cleared to work by a specialist.

36. On September 6, 2016, a spoliation letter was mailed to the Stripes registered agent in New Mexico to preserve all evidence and the security video from the incident in anticipation of this lawsuit being filed.

37. According to the receipt returned to the Stringham Law Firm, the letter was signed for and received via certified mail on September 13, 2016.

38. Just two weeks later, LaToya received a termination letter from Stripes with no reason for her termination listed. (Attached as Exhibit A.)

39. Due to the timing of this letter, and Stripes' actual notice of the pending lawsuit, we contend that the reason behind LaToya Royal's termination is the threat of the pending legal action:

40. Ms. Royal was terminated by Stripes, LLC because she notified them of a pending lawsuit and that she was going to reveal their intentional and neglectful behavior in regards to the security protocols and failure of those protocols.

#### DAMAGES

- a) Plaintiff Latoya Royal's injuries and damages for which she is entitled to a Judgment against Defendants as pleaded herein, include without limitation the following, all of which are ongoing:
  - a. severe physical injuries, including without limitation: pain and limited range of motion in both knees, a thoracic back sprain, a sprain of the lumbar spine and pelvis, and a sprained neck;
  - b. several torn ligaments in each knee that will both require surgery for full range of motion;
  - c. severe mental and emotional injuries;
  - d. severe emotional distress;
  - e. severe pain and suffering;
  - f. inability to perform or engage in the normal activities of daily living, including providing household services and spending time with her boyfriend and daughter;
  - g. inability to sleep or sleep healthily;
  - h. inability to perform the work of her choosing;
  - i. a loss of earning capacity;

- j. a loss of enjoyment of life;
- k. incurrence of expenses for medical care and treatment, medicines, nursing services, and other types of medically related attention;
- l. Actual compensation for the loss of her job due to wrongful termination.

The above injuries and damages are ongoing; some or all the injuries may be permanent.

Plaintiff Latoya Royal may provide evidence of other damages at trial.

#### PUNITIVE DAMAGES

41. The Court should award Plaintiff punitive damages, and in doing so should consider not only the harm to and wrongful conduct directed by Defendants to Plaintiff Latoya Royal, but also the risk of harm and harm to others because of Defendants' conduct.

#### PRAYER FOR RELIEF

WHEREFORE, Plaintiff requests that a Judgment be entered in her favor against Defendants for damages of a kind and in amounts to be proven at trial, including for, but not limited to:

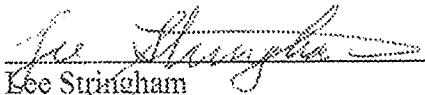
- a. Actual, compensatory, special and other damages;
- b. Punitive damages;
- c. Costs and fees associated with this lawsuit;
- d. Interest as provided by law.

Plaintiff also requests that the Court enter a Judgment in her favor and for such other and further relief as the Court deems just and proper.

#### JURY DEMAND

Plaintiff by and through her attorney, Lee Stringham of the Stringham Law Firm, hereby

demand a six (6) person jury in the above captioned case.

  
Lee Stringham

The Stringham Law Firm, PLLC  
6 Desta Drive, Suite 2590  
Midland, TX 79705  
Tel: (432) 203-9400  
Fax: (432) 203-9401  
[L.Stringham@StringhamLawFirm.com](mailto:L.Stringham@StringhamLawFirm.com)  
*Attorney for Plaintiff*



Ex A

September 26, 2016

LaToya Royal  
1401 E Navajo Loop Apt 3805  
Hobbs, NM 88240

Re: Employment Status:

Dear LaToya Royal:

- We regret that effective September 26, 2016 your employment status with Sunoco LLC/Stripes LLC has been terminated. You were not eligible for Family and Medical Leave; therefore, you were placed on our Leave of Absence. Our records indicate that on July 28, 2016 employment status changed from "Active" to "Leave of Absence" and that your absence from work has now exceeded thirty (30) days.
- If you are currently receiving disability benefits for a work-related injury, your benefits will continue unless you are otherwise notified under a separate written notification.
- If you are currently enrolled in Company Benefit Plans and your benefits have not been canceled for non-payment of your insurance premiums, you will receive a certified written notification (COBRA) advising you of the cancellation date of your benefits and your continuation options.
- If you are currently enrolled in the Retirement Plan, you will receive distribution paperwork along with IRS information.

In the future, if you are released for return to work by your treating physician, we welcome and encourage you to re-apply for any position we have available, for which you qualify, at that time.

If we are in error as to any fact stated in this letter please notify me at 1-361-693-3662.

Sincerely,

A handwritten signature in black ink that reads "Rita E. Perez".

Rita E. Perez  
Benefits Administrator

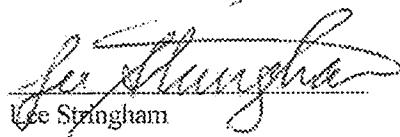


**CERTIFICATE OF SERVICE**

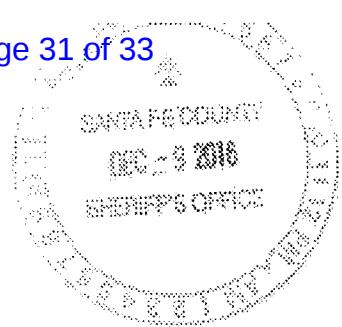
The undersigned certifies that on this 16th day of December, 2016, a true and correct copy of the above and foregoing document was served upon the following counsel of record in accordance with the Federal Rules of Civil Procedure.

**Via Certified Mail:**

Stripes, LLC  
c/o Corporation Service Company  
123 East Marcy Street  
Suite 101  
Santa Fe, NM 87501

  
Lee Stringham  
SBN: 24093222  
The Stringham Law Firm, PLLC  
6 Desta Drive, Suite 2590  
Midland, Texas 79705  
(432) 203-9400 (o)  
(432) 203-9401 (f)  
Email: [LStringham@stringhamlawfirm.com](mailto:LStringham@stringhamlawfirm.com)

**ATTORNEY FOR PLAINTIFF**



4-206. Summons.

[For use with District Court Civil Rule 1-004 NMRA]

SUMMONS	
District Court: <u>5th Judicial Court</u> <u>Lea</u> County, New Mexico Court Address: <u>100 N. Main</u> <u>Lovington, NM 88260</u> Court Telephone Number.: <u>575-396-3571</u>	Case Number: <u>D-506-CV-2016-01359</u>  Judge: <u>Mark Sanchez</u>
FILED IN DISTRICT CO <u>12/28/2016 1</u> NELDA C <u>Cory</u>	
Plaintiff(s): <u>Latoya Sh-nae Royal</u> v. Defendant(s): <u>Stripes, LLC</u>	Defendant <u>Stripes, LLC</u> Name: <u>Servicing Agent: Corporation Service Company</u> Address: <u>123 E. Marcy Street, Suite 101, Santa Fe, NM 87501</u>

**TO THE ABOVE NAMED DEFENDANT(S):** Take notice that

1. A lawsuit has been filed against you. A copy of the lawsuit is attached. The Court issued this Summons.
2. You must respond to this lawsuit in writing. You must file your written response with the Court no later than thirty (30) days from the date you are served with this Summons. (The date you are considered served with the Summons is determined by Rule 1-004 NMRA) The Court's address is listed above.
3. You must file (in person or by mail) your written response with the Court. When you file your response, you must give or mail a copy to the person who signed the lawsuit.
4. If you do not respond in writing, the Court may enter judgment against you as requested in the lawsuit.
5. You are entitled to a jury trial in most types of lawsuits. To ask for a jury trial, you must request one in writing and pay a jury fee.
6. If you need an interpreter, you must ask for one in writing.
7. You may wish to consult a lawyer. You may contact the State Bar of New Mexico for help finding a lawyer at [www.nmbar.org](http://www.nmbar.org); 1-800-876-6227; or 1-505-797-6066.

Dated at Lovington, New Mexico, this 1st day of December,  
2016.

Nelda Cuellar  
CLERK OF COURT

By: Deputy



Attorney for Plaintiff or  
Plaintiff pro se.

ORIGINAL: To Be Returned to Clerk of District Court for Filing.

Name: Lee Stringham, The Stringham Law Firm  
Address: 6 Desta Drive, Suite 2590, Midland, TX  
Telephone No.: 432-203-9400  
Fax No.: 432-203-9401  
Email Address: lstringham@stringhamlawfirm.com

THIS SUMMONS IS ISSUED PURSUANT TO RULE 1-004 NMRA OF THE NEW MEXICO RULES OF CIVIL PROCEDURE FOR DISTRICT COURTS.

RETURN<sup>6</sup>

STATE OF NEW MEXICO )  
COUNTY OF SAN JUAN )ss  
)

I, being duly sworn, on oath, state that I am over the age of eighteen (18) years and not a party to this lawsuit, and that I served this summons in San Juan county on the 12 day of October, 2016, by delivering a copy of this summons, with a copy of complaint attached, in the following manner:

*(check one box and fill in appropriate blanks)*

to the defendant \_\_\_\_\_ *(used when defendant accepts a copy of summons and complaint or refuses to accept the summons and complaint)*

to the defendant by [mail] [courier service] as provided by Rule 1-004 NMRA *(used when service is by mail or commercial courier service)*.

After attempting to serve the summons and complaint on the defendant by personal service or by mail or commercial courier service, by delivering a copy of this summons, with a copy of complaint attached, in the following manner:

to \_\_\_\_\_, a person over fifteen (15) years of age and residing at the usual place of abode of defendant \_\_\_\_\_, *(used when the defendant is not presently at place of abode)* and by mailing by first class mail to the defendant at \_\_\_\_\_ *(insert defendant's last known mailing address)* a copy of the summons and complaint.

to \_\_\_\_\_, the person apparently in charge at the actual place of business or employment of the defendant and by mailing by first class mail to the defendant at \_\_\_\_\_ *(insert defendant's business address)* and by mailing the summons and complaint by first class mail to the defendant at \_\_\_\_\_ *(insert defendant's last known mailing address)*.

to Karen Hunt, an agent authorized to receive service of process for

defendant Corporation Service Company

to \_\_\_\_\_, [parent] [guardian] [custodian] [conservator] [guardian ad litem] of defendant \_\_\_\_\_ (*used when defendant is a minor or an incompetent person*).

to \_\_\_\_\_ (*name of person*), \_\_\_\_\_, (*title of person authorized to receive service. Use this alternative when the defendant is a corporation or an association subject to a suit under a common name, a land grant board of trustees, the State of New Mexico or any political subdivision*).

Fees: \_\_\_\_\_

Tonya Perez

Signature of person making service

Deputy Sheriff

Title (if any)

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Judge, notary or other officer  
authorized to administer oaths

\_\_\_\_\_  
Official title

#### USE NOTE

1. Unless otherwise ordered by the court, this return is not to be filed with the court prior to service of the summons and complaint on the defendant.
2. If service is made by the sheriff or a deputy sheriff of a New Mexico county, the signature of the sheriff or deputy sheriff need not be notarized.

[Adopted effective August 1, 1988; as amended by Supreme Court Order 05-8300-01, effective March 1, 2005; by Supreme Court Order 07-8300-16, effective August 1, 2007; by Supreme Court Order No. 12-8300-026, effective for all cases filed or pending on or after January 7, 2013; as amended by Supreme Court Order No. 13-8300-022, effective for all cases pending or filed on or after December 31, 2013; as amended by Supreme Court Order No. 14-8300-017, effective for all cases pending or filed on or after December 31, 2014.]